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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/664,901 | 09/22/2003 | Naozumi Sugimura | 520.43142X00 | 7388 |
| 20457 | 7590 | 04/20/2005 | EXAMINER | |
| ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873 | | | SHIBRU, HELEN | |
| | | ART UNIT | | PAPER NUMBER |
| | | | | 2616 |

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|------------------------------|---------------------------------|-------------------------|--|
| | 10/664,901 | NAZUMI SUGIMURA | |
| | Examiner SHIBRU HELEN | Art Unit 2616 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 22 September 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) _____ is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-10 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 09/22/2003 is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09/22/03.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .
5) Notice of Informal Patent Application (PTO-152)
6) Other: ____ .

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Drawings

2. Figures 2, 3, 7, 8, and 13 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. ^{s -5 are} Claim 1⁸ rejected under 35 U.S.C. 101 because this claim do not define any structural and functional interrelationship between the data structure and other claimed aspects of the invention which permits the data structure's functionality to be realized.

Claim Rejections - 35 USC § 102

Art Unit: 2616

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsumagari (U.S. Pat. No.6798976).

Regarding claim 6, Tsumagari discloses an information reproducing method for reproducing information from a recording medium on which the following are recorded a plurality of picture information sets (see col. 9 lines 50-54, and fig. 3 and 4); presentation time values, each of which is associated with a corresponding one of said picture information sets (see col. 9 lines 59-67 and col. 10 lines 1-3); picture information record marks, each of which is associated with a corresponding one of presentation time values (see col. 12 lines 33-48 RSM_MRKI); clip information (see fig. 22 cell information, S_CI and M_CI) specifying what position on the recording medium is associated with each of said presentation time values (see col. 2 lines 25-30 and 39-49); and reproducing order specifying information (ORG_PGCI or UD_PGCI) which specifies in what order picture information sets are to be reproduced (see col. 2 lines 17-21 and col. 21 lines 44-55);

said information reproducing method comprising the steps of:

detecting the presentation time value of a picture information set to be retrieved from the corresponding picture information record mark (see col. 12 lines 43-48 and col. 14 lines 25-27); using said clip information to detect the recording position on recording medium which corresponds to the detected presentation time value (see col. 2 lines 39-48, col. 25 lines 29-44 and col. 55-59, and col. 26 lines 4-8 and 50-65); and reproducing picture information from the detected recording position (see col. 26 lines 50-61).

Regarding claim 7, Tsumagari discloses sound information is recorded on the recording medium as a separate file independent of picture information sets, (see col. 8 lines 7-9, and col. 11 lines 1-14, and 38-43) and, when picture information sets are reproduced according to said reproducing order specifying information, said sound information is output (see col. 10 lines 10-14).

Regarding claim 8 Tsumagari discloses picture information sets are constituted by MPEG-compressed information (see col. 9 lines 59-66), each of picture information record marks is associated with a presentation time value of a corresponding I picture contained in said MPEG-compressed picture information (see col. 15 lines 59-67), and the presentation time value of a picture information set to be retrieved is detected from the picture information record mark of the corresponding I picture (see col. 14 lines 25-27 and col. 30 lines 53-57).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsumagari in view of Kageyama (US # 6594442).

As to claims 9, this claim differs from Tsumagari in that the claim further requires that the reproducing order specifying information includes reproducing mode flag information which specifies whether sound information is to be output when picture information sets are output, if reproducing mode flag information is valid sound information is output when picture information sets are reproduced based on reproducing order specifying information, and if reproducing flag information is invalid, picture information sets are reproduced based on reproducing order specifying information. Although Tsumagari does not go into specifics of how the audio is reproduced with the corresponding still picture or moving picture data, Tsumagari teaches each cells of the still pictures are corresponded to their audio file (see col. 11 lines 15-21 and lines 27-30). Tsumagari further states that the management area, which stores management information, designates the playback order of the objects (see col. 2 lines 16-24). Tsumagari further teaches that the user can define the playback order with his/her interest (see col. 15 lines 42-46). Tsumagari further discloses the playback order of the cells can also be specified by the program chain information to be outputted based on their corresponding address (see col. 21 lines 44-55).

In the same field of endeavor, Kageyama teaches a recording medium which comprises still image data, audio data, and video data (see col. 1 lines 13-16, col. 6 lines 6-17 and 41-54).

Kageyama further teaches how to calculate the address of the still image with audio or without audio (see fig. 14 and col. 9 line 59 to col. 10 line 4). Kageyama further teaches that the system controller (1502 in fig. 15) which reads program chain information checks to see if there is an audio data to playback in synchronization with the selected still image data if found any (see col. 10 lines 48-54, col. 13 lines 7-14, and fig. 14 STEP5). Since Tsumagari discloses a recording medium which includes a set of picture information, e.g. still pictures and sound information and Kageyama discloses how to access and outputting the still images with the corresponding audio data or without the audio data in the specified order, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the recording/playback system of Tsumagari by providing reproducing mode flag sound information in order to determine a still image address and how to playback sound along with selected still images.

Regarding claim 10, Tsumagari discloses picture information sets are constituted by still picture information (see fig. 3 one packet, sub-picture, and col. 6 lines 29-34), still picture (sub-picture) information is recorded on said recording medium as MPEG-compressed information (see col. 9 lines 59-67 and col. 10 lines 1-9), and MPEG-compressed still picture (sub-picture) information is expanded when reproduced (see col. 24 lines 59-67 and col. 25 lines 1-11 and fig. 29 sub-picture decoder (65)).

8. Claims 1-5 are apparatus claims corresponding to the method claims 6-10, respectively. Therefore, claims 1-5 are rejected as previously discussed with respect to claims 6-10.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kunihiro (US Pat. No. 6023552) discloses a recording medium that contains a compressed audio and video data which can be accessed using an index file.

Moon (US Pat. No. 6771890) teaches a recording medium in which still pictures data and audio data are recorded and playback either the still picture along with the audio or the still picture alone or still picture with additional audio data according to the user's interest.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is 571 272 7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Primary, NgocYen Vu can be reached on 571 272 7320. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

HELEN SHIBRU
04/07/2005